

1 Daniel M. Gilleon, SBN 195200  
Steve Hoffman, SBN 237466  
2 The Gilleon Law Firm  
1320 Columbia Street, Suite 200  
3 San Diego, CA 92101  
Tel: 619-702-8623/Fax: 619-702-6337  
4 Email: [shoffmanlaw@gmail.com](mailto:shoffmanlaw@gmail.com)

5 Thomas D. Luneau, SBN 145804  
Casey Gerry Schenk Francavilla Blatt & Penfield  
6 110 Laurel Street  
San Diego, CA 92101  
7 Tel: 619-238-1811/Fax: 619-544-9232  
Email: [tdl@cglaw.com](mailto:tdl@cglaw.com)

8 Attorneys for Plaintiff Jacob Gregoire  
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10 Attorneys for Defendant State of California (by and through the California Highway  
Patrol) and Sergio Flores  
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12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**  
14

15 JACOB GREGOIRE,

16 Plaintiff,

17 v.

18 CALIFORNIA HIGHWAY PATROL, an  
19 agency of the State of California;  
20 SERGIO FLORES, and DOES 1 to 20,

21 Defendants.  
22

CASE NO. 14-cv-1749-GPC (DHB)

**AMENDED MOTION TO FILE  
UNDER SEAL DECLARATION OF  
ROGER CLARK IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT  
PURSUANT TO LOCAL RULE 79.2  
AND THE COURT'S PROTECTIVE  
ORDER**

23 Pursuant to Local Rule 79.2 and the Protective Order entered in this case on  
24 July 30, 2015, Plaintiff submits to the Court this Motion to File Under Seal the  
25 following document and all supporting documents attached to it:

26 **DECLARATION OF ROGER CLARK IN SUPPORT OF PLAINTIFF'S**  
27 **OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY**  
**JUDGMENT**

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## ARGUMENT

In this case, the court ordered that the personnel file of the officer be kept confidential. The parties in this matter agreed to a Protective Order to comply with the rules set forth in the California Government Code as well as the right to privacy of the litigants. The parties then petitioned this Honorable Court to seal certain private matters including but not limited to the personnel file of the defendant officer. On July 30, 2015 the Court set forth a detailed Order (Dkt. No. 17) that specified which documents would be held under seal. The Court's order included the complete CHP Personnel File for Defendant Officer Sergio Flores.

The protective order required that if a party seeks to file any of the protected records in support of any future pleadings or motions, the party must first proceed with an application to request that the records be kept under seal under Judge Bartick's Chamber's Rules section V, subdivision A.

The Declaration of Roger Clark in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment includes references to information obtained from the sealed documents from Flores' personnel file and includes attached exhibits which are sealed.

The sensitive information involved in this motion has been ruled on by this honorable Court and conforms with statutory requirements of the California Government Code. The parties had previously agreed that for the purposes of this motion that the sealing of the entire Plaintiff's Opposition to Defendant's Motion for Summary Judgment and all supporting declarations would not prejudice either party. Plaintiff now seeks only to seal the Declaration of Roger Clark.

A party faced with the disclosure of confidential or proprietary information may seek to file the documents under seal to avoid this exposure. See *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

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1 For the reasons contained in this motion and in the previous order of this Court,  
2 there is good cause to seal the Declaration of Roger Clark in Support of Plaintiff's  
3 Opposition to Summary Judgment and all supporting documents attached to it.  
4

5 Respectfully submitted,

6 Dated: January 21, 2016 THE GILLEON LAW FIRM  
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8 By: s/Steve Hoffman  
9 STEVE HOFFMAN  
10 shoffmanlaw@gmail.com  
Attorneys for Plaintiff Jacob Gregoire  
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12  
13 Dated: January 21, 2016 CASEY GERRY SCHENK  
FRANCAVILLA BLATT & PENFIELD. LLP  
14

15 By: s/Thomas D. Luneau  
16 THOMAS D. LUNEAU  
17 tld@cglaw.com  
Attorneys for Plaintiff Jacob Gregoire  
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